



APPEAL PROCEDURE FOR MAJOR SUBDIVISIONS

WHO IS ELIGIBLE TO APPEAL?

- * The subdivider (**only** the subdivider may appeal a time extension)
- * Any interested person
- * The Director

WHEN MUST AN APPEAL BE FILED?

An appeal must be filed within *ten (10) calendar days* after the action of the advisory agency from which the appeal is being taken. If the tenth day falls on a weekend or County holiday, the appeal can be filed on the following work day.

In the event the Planning and Environmental Review Board (PERB) denies a *time extension* for a Tentative Map, the applicant must file an appeal to the Board of Supervisors within *fifteen (15) calendar days* of that action. If the fifteenth day falls on a weekend or County holiday, the appeal can be filed on the following work day.

HOW MUCH DOES AN APPEAL COST?

Please refer to the Fee Schedule for all appeal filing fees. Only one appeal fee is charged for an appeal of action involving multiple permits

WHO DECIDES THE APPEAL?

An appeal from a PERB decision is decided by the Planning Commission. The Planning Commission decision may be appealed to the Board of Supervisors.

HOW DO I FILE AN APPEAL?

Appeal forms and further information are available at the Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123. Telephone: (858) 565-5981. NOTE 1: An appeal of a variance or minor use permit decision linked to a major subdivision follows the appeal procedure for major subdivisions. NOTE 2: An appeal going to the Board of Supervisors can be filed either at the Department of Planning and Land Use or at the Clerk of the Board of Supervisors.

GRAPHICS?

If you desire any graphics/displays that were shown at the Planning Commission hearing to be used at the Board of Supervisors hearing, contact your project planner.

ENVIRONMENTAL FINDINGS?

If you disagree with the environmental findings and are eligible to appeal under provisions of the Subdivision Ordinance, follow the above outlined procedures citing the inadequacies of the environmental document as the reason for the appeal. If you are ineligible and no one else files a legitimate appeal of the project determination, a lawsuit challenging the environmental determination may be filed.

Any lawsuit challenging the approval of the environmental document or the procedures followed by the public agency in complying with CEQA must be filed within 30 days after the filing of the Notice of Determination. If no Notice of Determination is filed, the lawsuit must be filed within 180 days after approval of the project. If these deadlines are not met, a lawsuit cannot be filed. Persons filing a lawsuit must pay filing fees (Superior Court and Appellate Court). Additional expenses include the cost of preparing the administrative record (this varies and can be very expensive).